

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) Tina M. Brown,  
  
Plaintiff,

vs.

(1) Balfour Beatty Communities, LLC,  
  
Defendant.

Case No.: CIV-19-913-R

Removed from the District Court of  
Oklahoma County, Oklahoma,  
Case No. CJ-2019-4502

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Balfour Beatty Communities, LLC (“Balfour Beatty”) gives notice that it is removing this civil action from the District Court of Oklahoma County to the United States District Court of the Western District of Oklahoma, based on diversity jurisdiction. This Notice of Removal, is founded on the following:

**A. PROCEDURAL HISTORY**

1. Plaintiff Tina M. Brown filed her Petition in the District Court of Oklahoma County, State of Oklahoma on August 13, 2019, Case No. CJ-2019-4502. *See* Plaintiff’s Petition, attached hereto as Exhibit 1. Removal is proper to this federal district and division because the original action occurred in and embraces Oklahoma County, Oklahoma. *See* 28 U.S.C. § 116(c).

2. On or about September 11, 2019, Plaintiff effectuated service of process on Defendant by serving a copy of Plaintiff’s Petition by Certified Mail upon CSC, 10300 Greenbriar Place, Oklahoma City, OK 73159-7653. *See* Original Summons served on Defendant, attached hereto as Exhibit 2. This Notice of Removal is timely, pursuant to 28 U.S.C. § 1446(b), because it is being filed within thirty (30) days after

Defendant received a copy of Plaintiff's Petition.<sup>1</sup> A copy of the docket sheet in the state court case is attached hereto as Exhibit 3. These documents constitute all process, pleadings, and orders thus far in the case. Plaintiff has not demanded a jury trial .

3. Defendant will provide written notice of the filing of this Notice of Removal to all adverse parties and will file a copy of same with the Clerk of the Oklahoma County District Court of Oklahoma. A copy of the Notice to State Court of Filing Notice of Removal is attached to this Notice of Removal as Exhibit 4. *See* 28 U.S.C. § 1446(d).

**B. DIVERSITY JURISDICTION EXISTS**

4. Pursuant to 28 U.S.C. § 1332, this Court has original jurisdiction over this action based on diversity of citizenship between the parties, in that Defendant is now, and was at the time the action was commenced, diverse in citizenship from the Plaintiff.

5. Plaintiff Tina M. Brown was at the time this action was commenced, and is currently, a resident of the State of Oklahoma.

6. Defendant is a company formed in and under the laws of the State of Delaware. Defendant's principal place of business is in Malvern, Pennsylvania. Defendant is not a citizen or resident of the State of Oklahoma within the meaning of the Acts of Congress relating to the removal of causes.

7. Thus, there is diversity of citizenship between Plaintiff and Defendant. This suit is between citizens of different states and removal is proper under 28 U.S.C. § 1446.

**C. CLAIMED DAMAGES EXCEED \$75,000.00**

8. Here, the Plaintiff specifically alleges that the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a). *See* Exhibit 1.

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<sup>1</sup> True and correct copies of all process, pleadings, and orders served on Defendant in the state court action, and a copy of the state court docket sheet, are attached hereto as Exhibits 1-3, and incorporated herein by reference for all purposes.

9. Because the posture of this action is wholly between citizens of different states at this time, and because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, this Court has original jurisdiction over this cause pursuant to 28 U.S.C. § 1332(a)(1).

**D. CONCLUSION AND PRAYER FOR RELIEF**

10. Accordingly, for the reasons shown above, this lawsuit may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446, because this Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332. For the foregoing reasons, Defendant respectfully requests that this Court assume jurisdiction over this civil action and proceed with its handling as if it had been originally filed in the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

By /s/J. Greg Coulter

J. Greg Coulter (AZ State Bar No. 016890)

OBA No. 34065

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ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on October 1, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and Transmittal of Notice of Electronic Filing to the following CM/ECF registrants:

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*Attorney for Plaintiff*

By: /s/Debbie Mattatall

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